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Serial No. 10/824,098
60,246-336
10884/CAR017976REMARKS

Applicant wishes to thank the Examiner for the detailed remarks and the allowability of claims 6, 7, and 10-20. Claim 21 has been cancelled as it is inadvertently a duplicate of claim 1. Accordingly, claims 1-4, 8 and 9 are pending.

Claims 1-4, 8, and 9 were rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over *Baldwin et al.* Applicant respectfully traverses these rejections. Even irrespective of the proper definition of the term "infer," *Baldwin* fails to disclose or suggest the relationship of what is being "inferred." In the Office Action of July 14, 2005, the Examiner refers to a section of *Baldwin* that discusses a relationship between failed sensors and operation of the HVAC system. As further discussed in *Baldwin* at Col. 11, lines 20-26, the evaporator defrost module (EDC) is configured and reconfigured in response to the validity of the sensor.

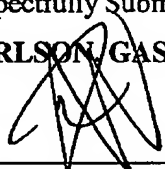
A further embodiment of the present invention is 20 shown in FIG. 9 where the evaporator defrost module (EDC) mode of operation is automatically configured and reconfigured based upon the validity of the outdoor air sensor 64. In previous evaporator defrost module systems, a thermostat was located on the evaporator 25 coil as a form of compressor protection. The thermostat

As recited in Applicant's claim 1, Applicant infers whether a stage of an HVAC component is a failed stage from a relationship between the temperature of the controlled area and a time period. *Baldwin* neither discloses nor suggests any relationship of sensor validity or temperature *with regard to a time period.* As such, the relationship claimed by Applicant is neither disclosed nor suggested and claim 1 is properly allowable. Applicant respectfully requests reconsideration of this rejection.

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Applicant respectfully submits that this case is in condition for allowance. If the Examiner believes that a teleconference will facilitate moving this case forward to being issued, Applicant's representative can be contacted at the number indicated below.

Respectfully Submitted,
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